

REMARKS

Please reconsider the application in view of the following remarks. Applicants thank the Examiner for carefully considering this application and the agreement reached during the Examiner Interview on January 7, 2008.

Disposition of Claims

Claims 1-5, 7-12, and 14-22 are pending in the application. Claims 1, 8, 15, and 20 are independent. The remaining claims depend, directly or indirectly, from claims 1, 8, and 15.

Examiner Interview

As mentioned above, the Applicants thank the Examiner for the courtesies extended during the Examiner Interview on January 7, 2008. The Applicants reviewed the Interview Summary dated January 16, 2008, and have nothing further to add at this time.

Rejections under 35 U.S.C. §103

Claims 1-5, 7-12, and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,785,873 (hereinafter "Tseng(2)") and U.S. Patent 6,108,494 ("Eisenhofer"). This rejection is respectfully traversed.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit." MPEP § 2143 (referring to *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727 (2007)). The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Office Action mailed on October 9, 2007 shows that the Examiner found no differences between the cited

prior art and the claims other than a lack of the actual combination of the elements in a single prior art reference, *i.e.*, that the Examiner is relying solely on the teachings of the prior art. See, *e.g.*, MPEP § 2143(A). Further, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP § 2143.03. “If the Examiner does not produce a *prima facie* case, Applicants are under no obligation to submit evidence of non-obviousness... The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and Applicants from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention.” See MPEP § 2142.

Turning to the rejection, independent claim 1 requires, in part:

removing nodes from the simulation image to produce an optimized image and an optimized nodes image ...

when debugging is selected,
simulating a reconstructed simulation image to gather simulation data,
wherein the reconstructed simulation image comprises the optimized image and the optimized nodes image...

Independent claims 8, 15, and 20 contain similar limitations.

As admitted by the Examiner, the Office Action dated October 24, 2007, fails to indicate where, specifically, the underlined limitations (as shown in the above-listed claims) are taught in the prior art. See Interview Summary dated January 16, 2008. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness, thus relieving the Applicants from an obligation to submit evidence of non-obviousness.

Further, as agreed upon during the Examiner Interview of January 7, 2007, the Applicants hereby request a new non-final Office Action (consistent with the agreement reached in the

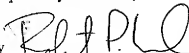
Interview Summary dated January 16, 2008) that clearly articulates where each and every limitation is taught or suggested by the prior art, so that the Applicants may reply completely.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33226/356001; SUN040029).

Dated: January 22, 2008

Respectfully submitted,

By 

Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicants